

Town of North Hempstead

Chairman
David L. Mammina, R.A., A.I.A.

Vice Chairman
Donal McCarthy, Esq.

Members
Paul Aloe, Esq.
Leslie Francis, Esq.
David I. Levine, Esq.
Secretary
Jonathan P. Fielding, Esq.



Board of Zoning Appeals

210 Plandome Road
Manhasset, NY 11030
(516) 869-7667
Fax (516) 869-7812

NOTICE OF DECISION

APPEAL #20001 - Gus Bubaris, variances 70-50.A and 70-50.C to construct a new dwelling within a required front yard setback; S/side 6 Birchwood Ave., 148.19' W/of Haven Ave., Port Washington, Sec. 5, Blk. 31, Lot 371, R-C District.

WHEREAS, an application (14-100757) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JULY 28, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location shown on drawings prepared by Norman A. Glavas, R.A., dated January 22, 2014.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Aloe Seconded by: Vice Chairman McCarthy
Aye: Member Aloe, Member Francis, Vice Chairman McCarthy,
Chairman Mammina
Absent: Member Levine



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NOTICE OF DECISION

APPEAL #20002 - Jennifer & Sanford Streim, variances 70-49.C, 70-101.B, and 70-208.F to construct additions exceeding the permitted floor area and an open porch within a required front yard setback to a non-conforming dwelling; N/side #111 Bayview Ave., 177.98' W/of Mackey Ave., Port Washington, Sec. 5, Blk. 40, Lot 135, R-C District.

WHEREAS, an application (14-105289) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JULY 28, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location shown on drawings prepared by Clarence E. Weigold, Jr., R.A., dated June 14, 2015.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Aloe Seconded by: Member Francis
Aye: Member Aloe, Member Francis, Vice Chairman McCarthy,
Chairman Mammina
Absent: Member Levine



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NOTICE OF DECISION

APPEAL #20003 - Carmine Meluzio, variance 70-208.F to construct a front portico and a rear deck to a non-conforming dwelling; S/side 10 Third Ave., 170' E/of Main St., Port Washington, Sec. 5, Blk. 46, Lot 1509, B-B District.

WHEREAS, an application (15-101189) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JULY 28, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location shown on drawings prepared by Donald Alberto, R.A., dated February 12, 2015 and revised through March 12, 2015.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Aloe Seconded by: Vice Chairman McCarthy

Aye: Member Aloe, Member Francis, Vice Chairman McCarthy,
Chairman Mammina

Absent: Member Levine



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NOTICE OF DECISION

APPEAL #20004 - Gurpreet Kaur Ahuja, variance 70-100.2.A(2) to install fencing beyond the front building line; NW/cor. 85 Stephen Ave. and Kamda Blvd., New Hyde Park, Sec. 8, Blk. 320, Lot 18, R-C District.

WHEREAS, an application (15-102997) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JULY 28, 2015**, the appeal in the above entitled matter was decided as follows:

DENIED.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Vice Chairman McCarthy Seconded by: Member Francis
Aye: Member Aloe, Member Francis, Vice Chairman McCarthy,
Chairman Mammina
Absent: Member Levine



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NOTICE OF DECISION

APPEAL #20005 - Victor Cano, variance 70-100.2.A(2) to construct fencing in a front yard; NE/cor #84 Stephen Ave. & Kamda Blvd., New Hyde Park, Sec. 8, Blk. 323, Lot 1, R-C District.

WHEREAS, an application (15-103373) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JULY 28, 2015**, the appeal in the above entitled matter was decided as follows:

DENIED.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Vice Chairman McCarthy Seconded by: Member Francis
Aye: Member Aloe, Member Francis, Vice Chairman McCarthy,
Chairman Mammina
Absent: Member Levine



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NOTICE OF DECISION

APPEAL #20008 - Ewa Siuzdak, variance 70-100.2.A(2) to install fencing within a required front yard setback; S/W/cor. 4 Seventh St. and Titus Ave., Carle Place, Sec. 10, Blk. 263, Lot 10, R-B District.

WHEREAS, an application (15-102678) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JULY 28, 2015**, the appeal in the above entitled matter was decided as follows:

DENIED.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Vice Chairman McCarthy Seconded by: Member Francis
Aye: Member Aloe, Member Francis, Vice Chairman McCarthy,
Chairman Mammina
Absent: Member Levine



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NOTICE OF DECISION

APPEAL #19819 - Michael Paternostro, variances 70-52, 70-100.2.H, 70-102.C(2)(b)[1], and 70-102.C(5)(b) to maintain a pool deck within a required rear yard setback and pool equipment within required rear and side yard setbacks, an A/C unit within a required side yard setback, and pool fencing with insufficient height; W/side 21 Hunting Hill Rd., 210' S/of Herbert Dr., New Hyde Park, Sec. 9, Blk. 589, Lot 7, R-C District

WHEREAS, applications (12-120284, 13-108488, 13-108489, 13-108543 & 14-103256) were filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JULY 28, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED IN PART, with respect to the variances sought from §§ 70-52, 70-100.2H, and 70-102.C(5)(b), of the dimension and in the location shown on drawings prepared by John O'Brien, R.A., dated August 22, 2012 and revised through October 27, 2013, and **DENIED IN PART**, with respect to the variances sought from §70-102.C(2)(a)[1].

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Vice Chairman McCarthy Seconded by: Member Francis
Aye: Member Aloe, Member Francis, Vice Chairman McCarthy,
Chairman Mammina
Absent: Member Levine



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NOTICE OF DECISION

APPEAL #20013 – Joyce Wang, variances 70-29.B, 70-30.A, 70-31.A & 70-32 to construct additions exceeding permitted floor area in required front, side and rear yard setbacks; W/side #6 Rose Ave., 140' S/of Vista Rd., Great Neck, Sec. 2, Blk. 178, Lot 28, R-A District

WHEREAS, applications (14-102979, 14-107512) were filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JULY 28, 2015**, the appeal in the above entitled matter was decided as follows:

DENIED.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Francis Seconded by: Member Aloe
Aye: Member Francis, Member Aloe, Vice Chairman McCarthy,
Chairman Mammina
Absent: Member Levine



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NOTICE OF DECISION

APPEAL #20017 - Sonia Ceballos, variance 70-100.2.A(4)(a)(5) to maintain fencing exceeding the permitted height; SE/cor. 2 Park East & Hillside Dr. S., New Hyde Park, Sec. 9, Blk. 510, Lot 1, R-C District.

WHEREAS, an application (15-103868) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JULY 28, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location shown on a survey prepared by Thomas Matarazzo, L.L.S., dated August 4, 2012.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Francis Seconded by: Vice Chairman McCarthy
Aye: Member Francis, Member Aloe, Vice Chairman McCarthy,
Chairman Mammina
Absent: Member Levine


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NOTICE OF DECISION

APPEAL #20021 – Estate of Frank Lee, variances 70-208.F, 70-195.16.D, 70-52.5 & 70-51.A to maintain an exterior cellar entrance, insufficient side yard setbacks and front yard paving exceeding the permitted maximum on a non-conforming dwelling; S/side #626 Roman Ave., 50' W/of Wright St., Westbury, Sec. 11, Blk. 15, Lot 32, R-C District.

WHEREAS, an application (15-103741) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JULY 28, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location shown on drawings prepared by Gary M. Spinello, R.A., dated November 19, 2014 and revised through January 14, 2015 and a survey prepared by Russell H. Lewis, L.L.S., dated September 10, 2010 and revised through July 5, 2011.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Francis Seconded by: Vice Chairman McCarthy
Aye: Member Francis, Member Aloe, Vice Chairman McCarthy,
Chairman Mammina
Absent: Member Levine



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NOTICE OF DECISION

APPEAL #19992 - Lori Fellus, appeal for determination, or in the alternative, variances 70-28 and 70-29.B, and 70-231, and conditional use 70-25, to construct additions to convert a single family house to a mother-daughter dwelling with separate entrances, exceeding the permitted gross floor area and lot coverage; S/side 4 Green Dr., 70' W/of Reed Dr., Roslyn, Sec. 9, Blk. 653, Lot 95, R-A District.

WHEREAS, an application (15-102525) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JULY 28, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location shown on drawings prepared by Mark Anthony Munisteri, R.A., dated May 17, 2013 and revised through July 8, 2015, **SUBJECT TO THE CONDITIONS IN THE ATTACHED RIDER:**

SEE ATTACHED RIDER

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Vice Chairman McCarthy Seconded by: Member Francis
Aye: Member Francis, Member Aloe, Vice Chairman McCarthy,
Chairman Mammina
Absent: Member Levine



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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 19992

Lori Fellus

S/side 4 Green Dr., 70' W/of Reed Dr., Roslyn

Section: 9 Block: 653 Lot: 95

1. The dwelling shall continue to maintain the character of a one-family dwelling.
2. The dwelling shall be serviced by a single meter for each utility supply.
3. All interior alterations shall be in compliance with the N.Y.S. Uniform Fire Prevention and Building Code.
4. The Town attorney will prepare a Declaration of Restrictive Covenant which must be signed by the Owner(s) of the premises. The Declaration states that the use of the premises as a mother-daughter residence is limited to the owner(s) and their immediate family, and that the premises may not be sold as a two-family dwelling. Said document will be prepared by the counsel to the Board.

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NOTICE OF DECISION

APPEAL #19917 - Robert Gramman, variance 70-203.J to maintain fence at front of property with insufficient setback; NW/corner #365 Westbury Ave. and Rushmore Ave., Carle Place, Sec. 10, Blk. 14, Lot 31, B-B District

WHEREAS, an application (14-110268) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JULY 28, 2015**, the appeal in the above entitled matter was decided as follows:

DENIED.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Vice Chairman McCarthy Seconded by: Member Francis
Aye: Member Francis, Member Aloe, Vice Chairman McCarthy,
Chairman Mammina
Absent: Member Levine



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NOTICE OF DECISION

APPEAL #19951 – First Hartford Realty, variances 70-231, 70-196.J(1)(b), 70-196.J(1)(f), & 70-196.K to construct a convenience store exceeding the permitted floor area, to install canopy signs, and to install wall signs exceeding the permitted height above grade and vertical measurement; SW/cor. of #2201 New Hyde Park Rd. & Marcus Ave. New Hyde Park, Sec. 8, Blk. B18, Lot 326, B-A District.

WHEREAS, an application (15-101005) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JULY 28, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED IN PART, with respect to the variances sought from §70-231, of the dimension and in the location shown on drawings prepared by Kevin P. Walsh, P.E., dated September 13, 2013 and revised through April 4, 2014, with respect to the variances sought from §70-196.K(4) for ground/pylon signs of the dimension and in the location shown on a drawing prepared by Pro Sign Company, dated June 11, 2015; with respect to the variances sought from §§70-196.J(1)(b) & 70-196.J(1)(f) for wall signs of the dimension and in the location shown on drawings prepared by Howell Albert Gordy, R.A., dated April 11, 2013 and revised through April 11, 2014, and **DENIED IN PART**, with respect to the variances sought from §70-196.K for canopy signs.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Aloe Seconded by: Member Francis
Aye: Member Francis, Member Aloe, Vice Chairman McCarthy,
Chairman Mammina
Absent: Member Levine



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NOTICE OF DECISION

APPEAL #19970 - Danfran Properties, LLC, appeal for determination, or in the alternative, variance 70-231, conditional use 70-139.A and variance 70-103.C to maintain a parking lot on a vacant property with a gravel surface; W/side 920 Port Washington Blvd., 50' S/of Bernard St., Port Washington, Sec. 5, Blk. 99, Lot 322, B-B District.

WHEREAS, an application (15-102943) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JULY 28, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location shown on a drawing prepared by Donald Alberto, R.A., dated July 24, 2014 and a survey prepared by Joseph Nicoletti, L.L.S., dated July 1, 2013, **SUBJECT TO THE CONDITION THAT** no vehicles registered as commercial class and/or bearing commercial license plates shall be stored on the premises.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Aloe Seconded by: Vice Chairman McCarthy
Aye: Member Francis, Member Aloe, Vice Chairman McCarthy,
Chairman Mammina
Absent: Member Levine



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NOTICE OF DECISION

APPEAL #19982 - JDN Properties of LI, appeal for determination and conditional use 70-225.C, or in the alternative, variances 70-34, 70-103.O, 70-203.G, 70-100.2.A(4)(a)(5) & 70-100.2.A(4)(b) to permit construction of accessory parking, not a permitted use, with parking stalls of insufficient dimension, insufficient buffer, and fencing exceeding permitted height; NE/cor. #22 Mineola Ave. & Warner Ave., Roslyn Heights, Sec. 7, Blk. 45, Lots 48 & 330, B-B/R-B Districts.

WHEREAS, an application (15-102328) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JULY 28, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED, of the dimension and in the location shown on a drawing prepared by Lawrence H. Pinner, R.A., dated March 18, 2014 and revised through February 13, 2015, for the period expiring on July 28, 2017.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Vice Chairman McCarthy Seconded by: Member Levine
Aye: Member Francis, Vice Chairman McCarthy, Chairman Mammina
Nay: Member Aloe
Absent: Member Levine



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NOTICE OF DECISION

APPEAL #20022 – Elrac, LLC, conditional use 70-126.D & variance 70-196.J(1)(b) to permit the continued use of premises for the parking, storage, sales & rental of automobiles, & to maintain signs exceeding permitted dimensions & area; N/side #131 Northern Blvd., 433.82' E/of Great Neck Rd., Great Neck, Sec. 2, Blk. 50, Lots 236 & 240, B-A District.

WHEREAS, an application (15-103756) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JULY 28, 2015**, the appeal in the above entitled matter was decided as follows:

GRANTED of the dimension and in the location shown on drawings prepared by Christopher W. Robinson, P.E., dated October 8, 2013 and revised through July 7, 2014 for a period of two (2) years expiring on July 15, 2017, **SUBJECT TO THE CONDITIONS IN THE ATTACHED RIDER:**

SEE ATTACHED RIDER

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Vice Chairman McCarthy Seconded by: Member Aloe
Aye: Member Francis, Member Aloe, Vice Chairman McCarthy,
Chairman Mammina
Absent: Member Levine



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Board of Zoning Appeals

Town of North Hempstead

Rider to Appeal # 20022

Elrac, LLC

N/side of #131 Northern Blvd., 433.82' E/of Great Neck Rd., Great Neck

Section: 2 Block: 50 Lot: 236 & 240

1. Applicant shall comply with all laws, ordinances, rules and regulations of all public authority with jurisdiction over the premises.
2. Applicant shall modify and/or maintain the protective guardrail at the north side of the property in compliance with the requirements of the New York State Building Code.
3. That the applicant shall install protective bollards at the top of the retaining wall along the north side of the property in the rear parking area.
4. That the applicant shall keep the area between the retaining wall and the northern property line clear of garbage and debris at all times.
5. There shall be no on-street parking of any vehicle owned or operated by the owner or its employees.
6. There shall be no outdoor storage of materials used in conjunction with the business conducted on the premises, including but not limited to tires, batteries and other automotive parts.
7. There shall be no repairs to motor vehicles performed on the premises.